



KGETLENGRIVIER LOCAL MUNICIPALITY

CONTRACT NO: KRLM/LED/BID: 03/2024-25

BID NAME: REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5 OF THE FARM KLEINFONTEIN 463 JP.

10 JANUARY 2025

NAME OF BIDDER:

BID PRICE: (Vat Incl)

Prepared by:

KGETLENGRIVIER
LOCAL MUNICIPALITY

P O Box 66

KOSTER

0348

Tel/Fax (014) 543 2004/5/6

BID CLOSES

30 JANUARY 2025 @12H00

BID NOTICE

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5 OF
THE FARM KLEINFONTEIN 463 JP.**



**TENDER NOTICE AND INVITATION TO TENDER
DEPARTMENT: OFFICE OF THE MUNICIPAL MANAGER**

Kgetlengrivier Local municipality invites tenders from suitably qualified service providers for the following tenders:

NAME OF TENDER	TENDER NUMBER	CONTACT PERSON / ENQUIRIES	Evaluation Criteria	Closing dates
<p align="center">REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5 OF THE FARM KLEINFONTEIN 463 JP.</p>	<p>KRLM/LED/ BID:03/24-25</p>	<p>Mr. L Phakathi Lindaphakathi996@gmail.com Cell No:071 415 8445 Strictly during working hours from 07:30-16:00</p>	<p>80/20 in line with Preferential Procurement Regulation 2017; 80/20 80 Points = Price Youth=4.00 Women=4.00 Disability =4.00 Locality=4.00 Black owned=4.00</p>	<p>30 January 2025 Municipal Building (Koster Town Hall) @ 12H00</p>

Bid documents containing of tenders as well as pre-qualification criteria and administrative requirement will be available from **10 January 2025** from **07h30 to 15h00 (Mondays to Fridays)** at the offices of Kgetlengrivier Local Municipality Cashier, corner Smuts and De Wet Street, Koster . A non-refundable deposit of **R750.00** will be charged for each set of documents issued. All payments and deposits are to be made in the currency of the Republic of South Africa. Cash or bank guaranteed cheques made out of **Kgetlengrivier Local Municipality** will be accepted. Tender deposit, must be paid in at cashier of the Municipality quoting tender number as indicated above or the payment must be deposited to Kgetlengrivier Local Municipality bank account number :1700000032 Absa Bank or can be downloaded on the E-Tender portal for free.

Duly completed bids and supporting documents must be deposited in the bid box situated at the Kgetlengrivier Local Municipality office, corner Smuts and De Wet Street, Koster, not later

than the stipulated time and dates, whereby tenders will be opened in public. Queries relating to the issue of tender documents may be addressed to scmkrlm@gmail.com or Tel Number: 014 403 5492/ 060 977 0342.

The Kgetlengrivier Local Municipality is not compelled to accept the lowest or any tender. No late, faxed, e-mail or telephonic tenders will be accepted.

NOTE: Successful bidders will be subjected to Security Check.

APPROVED BY: _____

**Mr. A.E PHOLOSE
ACTING MUNICIPAL MANAGER**

**TERMS OF REFERENCE
(SPECIFICATIONS)**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5 OF
THE FARM KLEINFONTEIN 463 JP.**

HEAD OFFICE: KOSTER

P.O. Box 66, Koster, 0348
Tel/ Fax: (014) 543 2004/5/6

Our Ref:



All correspondents must be addressed to:
"The Municipal Manager"

10 December 2024

BID NAME: REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5 OF THE FARM KLEINFONTEIN 463 JP.

The purpose of this letter is to present the specification presented to the Bid Specification Committee Meeting held on 28 November 2024 to the Accounting Officer for approval.

LEAD DEPARTMENT

LED and Planning

Terms of Reference

1.1 PROPERTY INFORMATION:

Property Description	Remaining Extent of Portion 5 of The Farm Kleinfontein 463 JP
Size (approximate) of identified portion	209 Hectares
Size to be disposed	5 Hectares
Zoning	Current: Agriculture
Proposed development zoning	Business 1
Proposed Development	Shopping Complex
Servitudes	There are no known servitudes, however, should there be any unprotected municipal servitudes found, relocation should be to the satisfaction of Council approval for the cost to the Developer.

Structures and physical features	The property is vacant
Services	The services (water, sewer, storm water and electricity) are availability up to the boundary of the properties. Kgetlengrivier Local Municipality does not warrant that these services are sufficient or immediately available for connection and use. Any further upgrades required will be determined and agreed. All connection fees and incidental costs shall be at the account of the developer.
EIA	The Developer will need to acquire all Environmental Authorisations if required in terms National Environmental Management Act No. 107 of 1998.

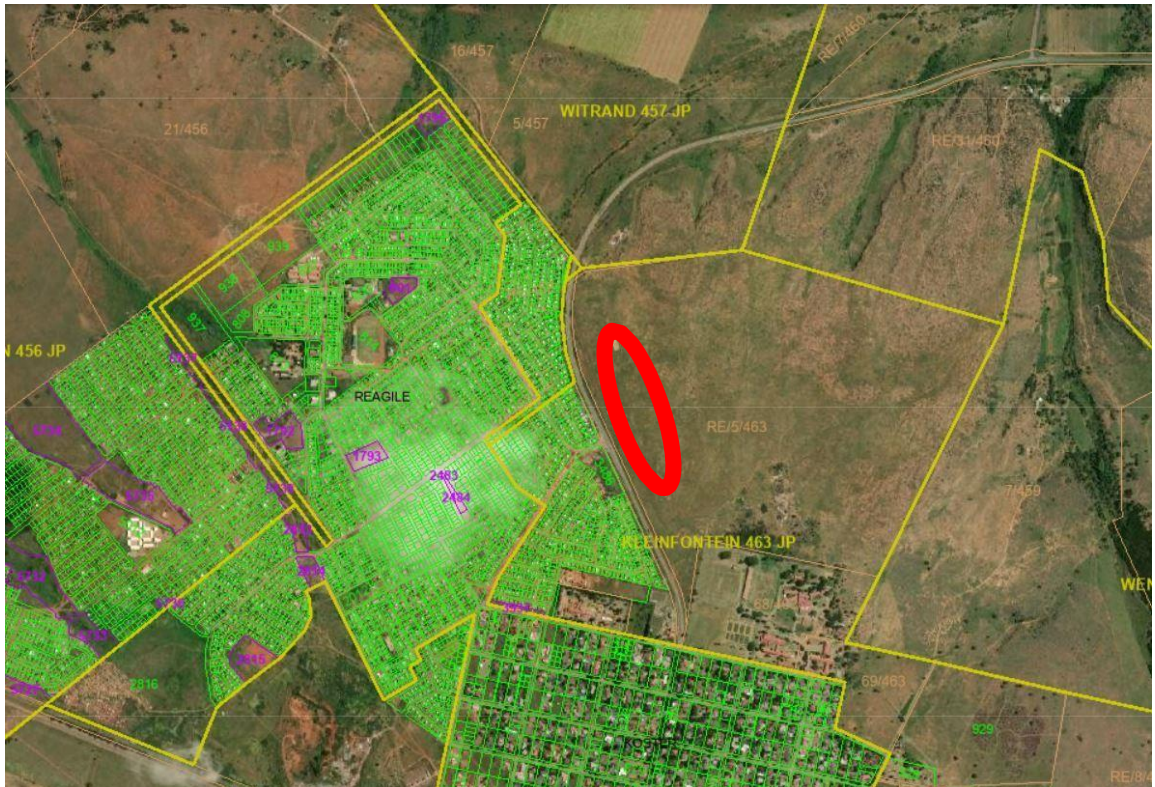
NB: It is the responsibility of the bidder to source more zoning information from the Municipality upon purchase of the tender document. Any desire for deviation from the existing development parameters should be indicated on the proposal.

1.1. PROPERTY LOCALITY

The Kgetlengrivier Local Municipality (NW374) is located in the south-eastern part of North West Province and forms part of Bojanala Platinum District Municipality (DC37), bordering Rustenburg Local Municipality on the west Ventersdorp Local Municipality (which falls under the Southern District Municipality) on the south, Ditsobotla Local municipality on the east, Ramotshole Moiloa Local Municipality (which falls on the Central District Municipality) on the northeast as well as Moses Kotane on the north side. It covers an area of about 3 973.31 km² in size.

Kgetlengrivier local municipality is established as a Category B Municipality as determined by the Demarcation Board in terms of Section 4 of the Municipal Structures Act, 1998. The location of Kgetlengrivier Local Municipality within the context of the regional economy of Bojanala Platinum District Municipality, the North West, and parts of the Gauteng Province. The major immediate center of the economy is Rustenburg, Brits, Tshwane, and Johannesburg nodes which are located on the eastern side and the northeast of Kgetlengrivier Local Municipality. The other major center of the economy is the Magaliesburg node to the east of the development area. The largest and closest single node of economic activity in the vicinity of the study area is Rustenburg.

The Remaining extent of Portion 5 of the farm Kleinfontein 463-JP' (co-ordinates: 25°50'59.8"S 26°53'45.7"E) is located on the R52 opposite the entrance of Reagile Township, connecting to Rissik Street going into the suburban area, leading to the CBD (see locality below)



2. OBJECTIVES

- 2.1. To appoint tenderer to purchase and develop a truck stop in a part of the remaining extent of Portion 5 of the Farm Kleinfontein 463 JP
- 2.2. The successful tenderer will in addition to being required to purchase the property at no less than market value and be required to produce a comprehensive development.

3. MANDATORY REQUIREMENTS

- 3.1. All bidders must purchase the property at market value or more and failure to make the financial offer will result in disqualification.
- 3.2. All bidders are expected to submit a concept Site Development Plan
- 3.3. All bidders are expected to submit an Architectural Concept/Renders drafted by a Professional with the relevant professional qualifications.

- 4.1. Kgetlengrivier Local Municipality has set the reserve price for 5 Hectares of the remaining extent of Portion 5 of the farm Kleinfontein 463 JP at the market value of R5 000 000;
- 4.2. The developer will be required to pay all municipal charges including rates and taxes levied on the property. The rates and taxes will be levied by Kgetlengrivier Local Municipality in accordance with approved tariffs and will become payable from the date the developer takes possession of the site or of registration of the property in the name of the developer;

5. CONTENTS OF THE PROPOSAL

- 5.1. Bidders are required to submit a concise development proposal in line with the zoning of the property, remaining extent of portion 5 of the farm Kleinfontein 463 JP. The proposal must include a concept Site Development Plan and an Architectural concept of the proposed development.

6. INFORMATION GATHERING

- 6.1. The assumption is that all prospective bidders will conduct thorough site inspection to ascertain the condition of the subject property at their own cost and time prior compilation and submission of their proposals. While the disposal of the site by the Municipality is in good faith, submission of the bid would be deemed as an acceptance that the bidder will purchase the site with all its visible and invisible defects whether declared by the Municipality or not
- 6.2. The successful tenderer will be expected to make contact with all the relevant officials and units within the local and provincial spheres of government or any entity holding information relevant to each project to obtain relevant information that will be required for the project when a need arise
- 6.3. Existing information which is available within the Planning and Local Economic Development Directorate will be made available to the successful tenderer when a need arises or during the execution of a specific project
- 6.4. In the case where the successful tenderer needs a letter to confirm the motive for requesting information from the different spheres of government or parastatals, the Municipality will provide the requested letter
- 6.5. Notwithstanding anything written in these terms of reference, the responsibility for collecting information necessary for the successful execution of the project remains entirely with the bidder

7. REPORTING AND ACCOUNTABILITY

- 7.1. During the execution of the project, the successful tenderer may be required to submit certain progress reports and attend meetings at intervals as it will be determined by the Municipality or project team or steering committee managing the project.

8. EVALUATION PROCEDURE

- 8.1. A two-stage evaluation will be applied to the evaluation of the bid as follows:

Stage 1: Functionality Evaluation

Bids will be evaluated in order to establish whether they meet a minimum threshold score of 70 points out of 100 for functionality, based on the following criteria

FUNCTIONAL CRITERIA	POINTS	RETURNABLE DOCUMENTS TO BE USED IN EVALUATION
<p>FINANCIAL OFFER</p> <p>Financial Offer of a minimum of R5 000 000.00</p>	50	<p>Bank rating letter or Stamped Bank Statement or Stamped proof of banking with proof of affordability of the Financial Offer all not older than three (3) months. (50 Points)</p>
<p>DEVELOPMENT PROPOSAL</p> <p>1) Concept Site Development Plan</p> <p>2) Architectural concept/renders (Drafted by a qualified Architect)</p>	50	<p>1) Concept site development plan must include (25 Points):</p> <ul style="list-style-type: none"> • Sitting (5 Points) • Height (5 Points) • Coverage of all buildings (5 Points) • Parking (5 Points) • Landscaped Areas (5 Points) <p>2) Architectural concept must include (25 Points):</p> <ul style="list-style-type: none"> • Design concept with elevations (15 points) • 3D Rendering (10 Points)
TOTAL	100	

Bids that do not meet the minimum threshold of 70 points will not be considered further.

Furthermore, bids that meet the minimum threshold and presented the highest financial offer will be prioritised.

9. TERMS AND CONDITIONS OF THE BID

- 9.1. Awarding of the bid will be subject to the successful tenderer's express acceptance of the Municipality's Supply Chain Management's general contract conditions. The Municipality and successful tenderer will sign a Deed of Sale upon appointment
- 9.2. The successful tenderer should accept the award within five (5) working days after receiving the letter of appointment and the Deed of Sale should be signed.
- 9.3. During the execution of the project, the successful tenderer might be required to give reports on the progress of the project. It would be the responsibility of the successful tenderer to organise the progress report meetings, and have one of their representatives assigned to taking minutes and circulating them to the steering committee members.
- 9.4. Any deviation from the project plan should be put in writing and approved by the Municipality or project team or steering committee managing the project.
- 9.5. Any suggestions during the progress meetings, once accepted by both parties, shall form part of the contract.

10. TRANSFER

10.1 Administration

- 10.1.1 Transfer of the property will only be done to the entity that submitted the bid. The municipality will appoint a conveyancer to facilitate the transfer to the successful bidder. However, the successful bidder will be responsible for transfer and incidental costs except municipal clearance fees.
- 10.1.2 The purchaser will have to pay the entire purchase price within three (03) months from the date of signing of the Deed of Sale by both parties.

10.2 Title Conditions

- 10.2.1 The following conditions will form part of the deed of sale and will be registered against the title deed of the property:
 - a) The Purchaser shall erect or cause to erect on the Property a structure as specified in the Land Use Scheme within a period of two (2) years calculated from date of registration of the transfer, or within such further period as the Seller may allow. The erection of which is permitted in terms of this Agreement and which shall not be smaller than 150 square metres and further than the value of the said property, which shall be based on the cost of erection as assessed by the Seller and shall not be less than the development plans value which is to be approved by the Seller.
 - b) In the event of the Purchaser failing to erect a Property as aforesaid within the said period or any extension thereof, the Purchaser shall be compelled at its own expense,

to transfer the Property back to the Seller upon repayment by the Seller of 80% (eighty percent) of the Purchase Price paid by the Purchaser. The Seller shall also be entitled to deduct from the amount so to be refunded to the Purchaser any other amount that may be due to it by the Purchaser whether in respect of rates, services or any other liability in respect of the said Property as well as the costs of transfer which shall be effected by the Seller's Attorneys.

- c) The Purchaser may not dispose of the Property before the Property provided for in the first paragraph above has been erected except to the Seller at the price fixed in the second paragraph hereof, provided that in the event of the repurchase of the Property by the Seller, it may in its discretion, pay an amount not exceeding the appraised value of any improvements thereon to the Purchaser, such appraisal having been set by a Sworn Appraiser appointed by the Seller.
- d) The Purchaser shall not be entitled to sell or let the property or cede or transfer its rights in terms of this Deed of Sale to any third party, until such time as the buildings specified herein, have been erected.

11. OUTCLAUSE

- 11.1. The Municipality reserves the right not to appoint if suitable tenderer is not found, at the complete discretion of the Municipality.
- 11.2. The Municipality reserves the right to terminate the contract in the event that there is evidence of non-performance
- 11.3. Specific Terms of Reference will be issued to the successful tenderer, clearly indicating the scope, objectives, critical milestones and deliverables to be achieved for the specific project

2.7 SCORING FORMULA: EQUITY

As per Government Gazette No: 47452 on Preferential Procurement Policy Framework Act (PPPFA) 5 of 2005: Preferential Procurement Regulations with effect from 16 January 2023. The following preferential point system of 80/20 will be applicable according to SCM policy of Kgetlengrivier Local Municipality. Functionality of equity on 20 points will be as follows and 80 points for price for all goods and service below R50 million.

3.1 Functionality on Equity = 20 points

Details		Points
Women		4.00
Disability		4.00
locality		4.00
Youth		4.00
B-BBEE		4.00
Status Level	Number of points	
1	4	
2	3	
3	2	
4	1	
5	-	
6	-	
7	-	
8	-	
Total		20

2.8 COMPULSORY BRIEFING SESSION

No compulsory briefing session will be held.

2.9 VALIDITY PERIOD

The validity period for the bid after closure will be 120 days

PART 3 – KRLM/LED/BID: 03/2024-25

AND FOR WHICH PERIOD THE BID WILL BE ADVERTISED

The bid will be advertised on Notice Board, Website and E-tender portal for a period of (14) working days.

APPROVED TERMS OF REFERENCE

MR A.E PHOLOSE

ACTING MUNICIPAL MANAGER

BID PROCESS CRITERIA LIST

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5
OF THE FARM KLEINFONTEIN 463 JP.**

VERY IMPORTANT NOTICE ON TENDER PROCESS:

A bid not complying with the peremptory requirements stated hereunder will be regarded as not being an “Acceptable bid”, and as such will be rejected.

“Acceptable bid” means any bid which, in all respects, complies with the conditions of bid and specifications as set out in the bid documents, including conditions as specified in the Preferential Procurement Policy Framework Act (Act 5 of 2000) and related legislation as published in Government Gazette number 22549, dated 10 August 2001, in terms of which provision is made for this policy.

1. If any pages have been removed from the bid document, and have therefore not been submitted, or a copy of the original bid document has been submitted.
2. If the bid document is completed using a pencil. Only black ink must be used to complete the bid document.
3. **THE BID HAS NOT BEEN PROPERLY SIGNED BY A PARTY HAVING THE AUTHORITY TO DO SO ACCORDING TO THE EXAMPLE OF “AUTHORITY FOR SIGNATORY”**
4. No authority for signatory submitted (printed on bidder’s letter head) – See example, where it is stated that a duly signed and dated original copy of the company’s relevant resolution (for each specific bid) of their members or their board of directors, must be submitted.
5. The bidder attempts to influence, or has in fact influenced the evaluation and/or awarding of the contract.
6. The bid has been submitted after the relevant closing date and time.
7. If any bidder who during the last five years has failed to perform satisfactorily on a previous contract with the municipality, municipal entity or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.
8. The accounting officer must ensure that irrespective of the procurement process followed, no award may be given to a person –
 - (a) who is in the service of the state, or;
 - (b) if that person is not a natural person, of which any director, manager, principal shareholder or stakeholder, is a person in the service of the state; or;

(c) Who is an advisor or consultant contracted with the municipality in respect of contract that would cause a conflict of interest?

9. Bid offers will be rejected if the bidder or any of his directors is listed on the Register of Bid Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector
10. Bid offers will be rejected if the bidder has abused the Kgetlengrivier Local municipality's Supply Chain Management System.
11. Failure to attach a copy of a valid signed Joint Venture/Consortium agreement (if applicable) to the bid document.
12. Failure to complete and sign the certificate of independent determination or disclosing of wrong information.
13. An updated record of payment of rates and taxes (three months) and services to the relevant Municipality must be attached. Failure to do so will invalidate the tender submitted. In case were a bidder is leasing a property, lease agreement and signed or letter from the landlord or landlady should be attached. Bidders that are residing in Traditional lands must attach an updated letter from the Tribal Authority falling within the bid period. If payment arrangement has been made to relevant municipality, proof must be attached.
14. None attachment of CK/CM Certificate

BIDDER

AUTHORITY FOR SIGNATORY

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5
OF THE FARM KLEINFONTEIN 463 JP.**

CERTIFICATE OF AUTHORITY FOR SIGNATORY

Status of concern submitting tender (delete which ever is not applicable.)

COMPANY /PARTNERSHIP /ONE-PERSON BUSINESS / CLOSE CORPORATION/
JOINT VENTURE

A. COMPANIES

If the bidder is a company, a certified copy of the resolution of the Board of Directors, personally signed by the chairperson of the board, authorizing the person to signs this bid to do so, as well as to sign any contract resulting from this bid and any other documents and correspondence in connection with this bid or contract on behalf of the company must be submitted with this Bid.

An example is shown below:

By resolution of the board of Directors on20....., Mr. / Ms.
.....has been duly authorized to sign all documents in
connection with BID NO.

SIGNED ON BEHALF OF THE COMPANY:
.....

IN HIS CAPACITY AS:
.....

DATE:
.....

SIGNATURE OF SIGNATORY.....

WITNESSES: 1.
.....

2.
.....

B. PARTNERSHIP

The following particulars in respect of every partner must be furnished and signed by every partner:

Full name of partner	Residential address	Signature
.....
.....

We, the undersigned partners in the business trading as.....

Hereby authorize to sign this bid as well as any contract resulting from the bid and any other documents and correspondence in connection with this bid / or contract on our behalf.

.....
Signature	Signature	Signature
.....
Date	Date	Date

C. ONE-PERSON BUSINESS

I, the undersign hereby confirm that I am the sole owner of the business trading as

.....
Signature date

D. CLOSE CORPORATION

If the case of a close corporation submitting a bid, a certified copy of the founding Statement of such corporation shall be included with the Bid, together with a resolution by its members authorizing a member or other official of the corporation to sign the documents and correspondence in connection with this bid or contract on behalf of the company must be submitted with this Bid.

An example is shown below:

By resolution of the members at the meeting on the200.....at
.....Mr. / Ms.whose signature appear
Below, has been duly authorized to sign all documents in connection with BID NO.
.....

SIGNED ON BEHALF OF THE CLOSE CORPORATION:
.....

IN HIS / HER CAPACITY
AS.....

DATE:
.....

SIGNATURE OF
SIGNATORY.....

WITNESSES: 1.
.....

2.....

Certificate of Authority for Joint Ventures

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this bid offer in Joint Venture and hereby authorize Mr./Ms. , authorized signatory of the company
 . . . , acting in the capacity of lead partner, to sign all documents in connection with the bid offer and any contract resulting from it on our behalf.

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature. Name Designation
		Signature. Name Designation
		Signature. Name Designation
		Signature. Name Designation

LIST OF RETURNABLE DOCUMENTS

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5
OF THE FARM KLEINFONTEIN 463 JP.**

**LIST OF RETURNABLE DOCUMENTS THAT SHOULD FORM
PART OF THE BID DOCUMENT.**

1. Form MBD 1 : Invitation to bid
2. Form MBD 2 : Tax clearance certificate
3. Form MBD 3.1: Price schedule – Firm prices
4. Form MBD 4 : Declaration of Interest
5. Form MBD 6.1: Preference points claimed form
6. Form MBD 7.1 Contract form : - Purchase of goods/ services
7. MBD 8: Certificate of bid independent determination
8. MBD 9 : Declaration of bidders past supply chain management practices
9. COMPANY REGISTRATION CERTIFICATE
10. Rate & Taxes
11. Valid Tax Clearance Certificate
12. BBBEE valid certificate (from approved authority)
13. Central Supplier Database Full Report

NB FAILURE TO COMPLETE OR SIGN THIS DOCUMENT WILL RESULT IN YOUR BID NOT BEING CONSIDERED.

BID CHECKLIST

This list is aimed at assisting all bidders to submit complete bid
 Bidders are to check the following points before the submission of their tender and to complete YES/NO next to each item as indication that the bidder has complied with the provision of the item concerned.

BIDDER CHECK LIST		MARK WITH YES/NO
1.	The B-BEE valid certificate from approved authority has been submitted. Consolidated if joint venture	
2.	All pages of the bid documents have been read by the bidder and the form confirming familiarity with the whole tender document is signed.	
3.	All pages requiring information have been completed in full and in black ink.	
4.	An original tax clearance certificate has been submitted.	
5.	A copy of the resolution of your Board of Directors, similar to the attached specimen, authorising the signatory to sign the tender and the subsequent contract has been signed.(It must be on Company's Letter Head)	
6.	The bidder has complied with all the bid prerequisites.	
7.	Company registration certificate has been submitted.	
8.	Municipality rates and taxes current invoice has been submitted.	
9.	The tender document is to be submitted before 12:00 on the due date at the designated tender box of the KGETLENGRIVIER LOCAL Municipality.	
10.	Submission of proof of registration on the Central Supplier Database (Full report to be attached)	

FAILURE TO COMPLETE OR SIGN THIS DOCUMENT WILL RESULT IN YOUR BID NOT BEING CONSIDERED

I, the undersigned, hereby acknowledge that the bid check-list as completed above is the true reflection of what have been submitted and that the bid was fully complied with.

 FULL NAME: BIDDER

 SIGNATURE: BIDDER

 DATE

MUNICIPAL BIDDING DOCUMENTS

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5
OF THE FARM KLEINFONTEIN 463 JP.**

**MBD 1
INVITATION TO BID**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5
OF THE FARM KLEINFONTEIN 463 JP.**

YOU ARE HEREBY INVITED TO BID FOR REQUIREMENTS OF THE (NAME OF MUNICIPALITY/ENTITY)

BID NUMBER: KRLM/LED/BID: 03/24-25 DATE: 30 JANUARY 2025 CLOSING TIME: 12H00

DESCRIPTION: REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION 5 OF THE FARM KLEINFONTEIN 463 JP.

The successful bidder will be required to fill in and sign a written Contract Form (MBD 7).

DEPOSITED IN THE BID BOX SITUATED AT (*STREET ADDRESS*)

**Kgetlengrivier Local Municipality
Cnr Smuts and De Wet Street
Koster
0348**

Bidders should ensure that bids are delivered timeously to the correct address. If the bid is late, it will not be accepted for consideration.

The bid box is generally open 8hours a day, 5 days a week.

ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS – (NOT TO BE RE-TYPED)

THIS BID IS SUBJECT TO THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT

THIS BID WILL BE EVALUATED AND ADJUDICATED ACCORDING TO THE FOLLOWING CRITERIA:

1. Relevant specifications
2. Value for money
3. Capability to execute the contract
4. PPPFA & associated regulations

..... *[insert any other criteria]*

NB: NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE (see definition on MBD 4 attached)

**THE FOLLOWING PARTICULARS MUST BE FURNISHED
(FAILURE TO DO SO MAY RESULT IN YOUR BID BEING DISQUALIFIED)**

NAME OF BIDDER
.....
.....

POSTAL ADDRESS
.....
.....

STREET ADDRESS

TELEPHONE CODE.....NUMBER.....

CELLPHONE NUMBER.....

FACSIMILE-NUMBERCODE..... NUMBER.....

VAT-REGISTRATION NUMBER.....

HAS AN ORIGINAL TAX CLEARANCE CERTIFICATE BEEN ATTACHED (MBD 2)?
YES/NO

ARE YOU THE ACCREDITED REPRESENTATIVE?
IN SOUTH AFRICA FOR THE GOODS/SERVICES OFFERED BY YOU? YES/NO
(IF YES ENCLOSE PROOF)

SIGNATURE OF BIDDER

DATE.....

CAPACITY UNDER WHICH THIS BID IS SIGNED.....

TOTAL BID PRICE.....

TOTAL NUMBER OF ITEMS OFFERED

ANY ENQUIRIES REGARDING THE BIDDING PROCEDURE MAY BE DIRECTED TO:

Municipality / Municipal Entity: Kgetlengrivier Local Municipality

Department: Budget & Treasury Office

Contact Person: Supply Chain Management Unit

Tel: 014 403 5492/ 060 977 0342.

Fax: 014 593 2480

ANY ENQUIRIES REGARDING THE TECHNICAL INFORMATION MAY BE DIRECTED TO:

Contact Person: Mr. L Phakathi

Cell: 071 415 8445

**MBD 2
TAX CLEARANCE REQUIREMENTS**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
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OF THE FARM KLEINFONTEIN 463 JP.**

MBD 2

TAX CLEARANCE REQUIREMENTS

IT IS A CONDITION OF BIDDING THAT -

1. The taxes of the successful bidder must be in order, or that satisfactory arrangements have been made with the Receiver of Revenue to meet his / her tax obligations.
2. The attached form "Application for Tax Clearance Certificate (in respect of bidders)", must be completed in all respects and submitted to the Receiver of Revenue where the bidder is registered for tax purposes. The Receiver of Revenue will then furnish the bidder with a Tax Clearance Certificate that will be valid for a period of twelve (12) months from date of issue. This Tax Clearance Certificate must be submitted in the original together with the bid. Failure to submit the original and valid Tax Clearance Certificate may invalidate the bid.
3. In bids where Consortia / Joint Ventures / Sub-contractors are involved each party must submit a separate Tax Clearance Certificate. Copies of the Application for Tax Clearance Certificates are available at any Receiver's Office.

MBD2/ Application for tax Certificate...

**APPLICATION FOR TAX CLEARANCE CERTIFICATE
(IN RESPECT OF BIDDERS)**

1. Name of taxpayer / bidder:

2. Trade name:

3. Identification number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

4. Company / Close Corporation registration number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

5. Income tax reference number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6. VAT registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

7. PAYE employer's registration number (if applicable):

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Signature of contact person requiring Tax Clearance Certificate:

Name:

Telephone number Code..... Number:

Address:

.....

.....

DATE: 20____ / ____ / ____

PLEASE NOTE THAT THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE (SARS) WILL NOT EXERCISE HIS DISCRETIONARY POWERS IN FAVOUR OF ANY PERSON WITH REGARD TO ANY INTEREST, PENALTIES AND / OR ADDITIONAL TAX LEVIABLE DUE TO THE LATE- OR UNDERPAYMENT OF TAXES, DUTIES OR LEVIES OR THE RENDITION RETURNS BY ANY PERSON AS A RESULT OF ANY SYSTEM NOT BEING YEAR 2000 COMPLIANT.

**MBD 3.1
PRICING SCHEDULE**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION
5 OF THE FARM KLEINFONTEIN 463 JP.**

MBD 3.1

**PRICING SCHEDULE – FIRM PRICES
(PURCHASES)**

NOTE: ONLY FIRM PRICES WILL BE ACCEPTED. NON-FIRM PRICES (INCLUDING PRICES SUBJECT TO RATES OF EXCHANGE VARIATIONS) WILL NOT BE CONSIDERED

IN CASES WHERE DIFFERENT DELIVERY POINTS INFLUENCE THE PRICING, A SEPARATE PRICING SCHEDULE MUST BE SUBMITTED FOR EACH DELIVERY POINT

Name of Bidder.....	Bid Number.....
Closing Time 12:00	Closing Date: 30 January 2025

OFFER TO BE VALID FOR 14 DAYS FROM THE CLOSING DATE OF BID.

ITEM NO.	QUANTITY	DESCRIPTION	BID PRICE IN RSA CURRENCY (INCLUDING VAT)
-	Required by:	.....
-	At:	.....
-	Brand and Model	.....
-	Country of Origin	.....
-	Does offer comply with specification?		*YES/NO
-	If not to specification, indicate deviation(s)	.....
-	Period required for delivery	.....	*Delivery: Firm/not firm
-	Delivery basis (all delivery costs must be Included in the bid price)	.....

Note: All delivery costs must be included in the bid price, for delivery at the prescribed destination

**MBD 4
DECLARATION OF INTEREST**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION
5 OF THE FARM KLEINFONTEIN 463 JP.**

MBD 4

DECLARATION OF INTEREST

- 1. No bid will be accepted from persons in the service of the state*.
- 2. Any person, having a kinship with persons in the service of the state, including a blood relationship, may make an offer or offers in terms of this invitation to bid. In view of possible allegations of favouritism, should the resulting bid, or part thereof, be awarded to persons connected with or related to persons in service of the state, it is required that the bidder or their authorised representative declare their position in relation to the evaluating/adjudicating authority and/or take an oath declaring his/her interest.

3 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

3.1 Full Name:

3.2 Identity Number:

3.3 Company Registration Number:

3.4 Tax Reference Number:

3.5 VAT Registration Number:

3.6 Are you presently in the service of the state* **YES /**

NO

3.6.1 If so, furnish particulars.

.....

* MSCM Regulations: "in the service of the state" means to be –

- (a) a member of –
 - (i) any municipal council;
 - (ii) any provincial legislature; or
 - (iii) the national Assembly or the national Council of provinces;
- (b) a member of the board of directors of any municipal entity;
- (c) an official of any municipality or municipal entity;
- (d) an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No.1 of 1999);
- (e) a member of the accounting authority of any national or provincial public entity; or
- (f) an employee of Parliament or a provincial legislature.

.....
3.7 Have you been in the service of the state for the past
NO
twelve months?

YES /

3.7.1 If so, furnish particulars.
.....
.....

3.8 Do you, have any relationship (family, friend,
other) with **YES/NO** persons in the
service of the state and who may be involved
with the evaluation and or adjudication of this
bid?

3.8.1 If so, furnish particulars.
.....
.....
.....
.....

3.9 Are you, aware of any relationship (family,
friend, other) between a **YES/ NO** bidder and
any persons in the service of the state who
may be involved with the evaluation and or
adjudication of this bid?

3.9.1 If so, furnish particulars
.....
.....
.....

3.10 Are any of the company's directors, managers, principle / NO shareholders or stakeholders in service of the state? YES

3.10.1 If so, furnish particulars.

.....
.....

3.11 Are any spouse, child or parent of the company's directors, / NO managers, principle shareholders or stakeholders in service of the state? YES

3.11.1 If so, furnish particulars.

.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)
.....

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....
Signature Date

.....
Position Name of Bidder

**MBD 6.1
PREFERENCE POINTS CLAIM FORM**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION
5 OF THE FARM KLEINFONTEIN 463 JP.**

MBD 6.1

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all tenders invited. It contains general information and serves as a claim form for preference points for specific goals.

NB: BEFORE COMPLETING THIS FORM, TENDERERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF THE TENDER AND PREFERENTIAL PROCUREMENT REGULATIONS, 2022

1. GENERAL CONDITIONS

1.1 The following preference point systems are applicable to invitations to tender:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

(delete whichever is not applicable for this tender).

- a) The applicable preference point system for this tender is the **90/10** preference point system.
- b) The applicable preference point system for this tender is the **80/20** preference point system.
- c) Either the **90/10 or 80/20 preference point system** will be applicable in this tender. The lowest/ highest acceptable tender will be used to determine the accurate system once tenders are received.

1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:

- (a) Price; and
- (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
--	--------

PRICE	
SPECIFIC GOALS	
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and
- (e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

80/20

or

90/10

$$P_s = 80 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right) \quad \text{or} \quad P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{min} = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ P_s = 80 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) & \text{or} & P_s = 90 \left(1 + \frac{P_t - P_{max}}{P_{max}} \right) \end{array}$$

Where

P_s = Points scored for price of tender under consideration

P_t = Price of tender under consideration

P_{max} = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:

4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system, then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:
.....

4.5. TYPE OF COMPANY/ FIRM

- Partnership/Joint Venture / Consortium
 - One-person business/sole propriety
 - Close corporation
 - Public Company
 - Personal Liability Company
 - (Pty) Limited
 - Non-Profit Company
 - State Owned Company
- [TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person’s conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a

fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and

- (e) forward the matter for criminal prosecution, if deemed necessary.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	.....
DATE:	.....
ADDRESS:	.....

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION
5 OF THE FARM KLEINFONTEIN 463 JP.**

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

THIS FORM MUST BE FILLED IN DUPLICATE BY BOTH THE SUCCESSFUL BIDDER (PART 1) AND THE PURCHASER (PART 2). BOTH FORMS MUST BE SIGNED IN THE ORIGINAL SO THAT THE SUCCESSFUL BIDDER AND THE PURCHASER WOULD BE IN POSSESSION OF ORIGINALLY SIGNED CONTRACTS FOR THEIR RESPECTIVE RECORDS.

PART 1 (TO BE FILLED IN BY THE BIDDER)

1. I hereby undertake to supply all or any of the goods and/or works described in the attached bidding documents to (name of institution)..... in accordance with the requirements and specifications stipulated in bid number..... at the price/s quoted. My offer/s remain binding upon me and open for acceptance by the purchaser during the validity period indicated and calculated from the closing time of bid.
2. The following documents shall be deemed to form and be read and construed as part of this agreement:
 - (i) Bidding documents, viz
 - Invitation to bid
 - Tax clearance certificate
 - Pricing schedule(s)
 - Technical Specification(s)
 - Preference claims in terms of the Preferential Procurement Regulations 2001
 - Declaration of interest
 - Special Conditions of Contract;
 - (ii) General Conditions of Contract; and
 - (iii) Other (specify)
3. I confirm that I have satisfied myself as to the correctness and validity of my bid; that the price(s) and rate(s) quoted cover all the goods and/or works specified in the bidding documents; that the price(s) and rate(s) cover all my obligations and I accept that any mistakes regarding price(s) and rate(s) and calculations will be at my own risk.
4. I accept full responsibility for the proper execution and fulfilment of all obligations and conditions devolving on me under this agreement as the principal liable for the due fulfillment of this contract.

5. I declare that I have no participation in any collusive practices with any bidder or any other person regarding this or any other bid.
6. I confirm that I am duly authorized to sign this contract.

NAME (PRINT)

CAPACITY

SIGNATURE

NAME OF FIRM

DATE

WITNESSES	
1.	.....
2.	.....
-	---

MBD 7.1

CONTRACT FORM - PURCHASE OF GOODS/WORKS

PART 2 (TO BE FILLED IN BY THE PURCHASER)

1. I.....in my capacity as.....
2. accept your bid under reference numberdated.....for the supply of goods/works indicated hereunder and/or further specified in the annexure(s).
3. An official order indicating delivery instructions is forthcoming.
4. I undertake to make payment for the goods/works delivered in accordance with the terms and conditions of the contract, within 30 (thirty) days after receipt of an invoice accompanied by the delivery note.

ITEM NO.	PRICE (VAT INCL)	BRAND	DELIVERY PERIOD	POINTS CLAIMED FOR HDI'S	POINTS CLAIMED FOR RDP GOALS

4. I confirm that I am duly authorized to sign this contract.

SIGNED ATON.....

NAME (PRINT)

SIGNATURE

OFFICIAL STAMP

of **58**

WITNESSES

1.

2.

**MBD 8
DECLARATION OF BIDDERS PAST SUPPLY CHAIN MANAGEMENT PRACTICES**

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION
5 OF THE FARM KLEINFONTEIN 463 JP.**

DECLARATION OF BIDDER’S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Municipal Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by municipalities and municipal entities in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be rejected if that bidder, or any of its directors have:
 - a. abused the municipality’s / municipal entity’s supply chain management system or committed any improper conduct in relation to such system;
 - b. been convicted for fraud or corruption during the past five years;
 - c. willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d. been listed in the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004).
- 4 **In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.**

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury’s database as a company or person prohibited from doing business with the public sector? (Companies or persons who are listed on this database were informed in writing of this restriction by the National Treasury after the <i>Audi alteram partem</i> rule was applied).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.1.1	If so, furnish particulars:		

4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? (To access this Register enter the National Treasury's website, www.treasury.gov.za, click on the icon "Register for Tender Defaulters" or submit your written request for a hard copy of the Register to facsimile number (012) 3265445).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2.1	If so, furnish particulars:		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court of law outside the Republic of South Africa) for fraud or corruption during the past five years?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.3.1	If so, furnish particulars:		
Item	Question	Yes	No
4.4	Does the bidder or any of its directors owe any municipal rates and taxes or municipal charges to the municipality / municipal entity, or to any other municipality / municipal entity, that is in arrears for more than three months?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.4.1	If so, furnish particulars:		
4.5	Was any contract between the bidder and the municipality / municipal entity or any other organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.7.1	If so, furnish particulars:		

CERTIFICATION

**I, THE UNDERSIGNED (FULL NAME)
CERTIFY THAT THE INFORMATION FURNISHED ON THIS
DECLARATION FORM TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY
BE TAKEN AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

MBD 9

CERTIFICATE OF INDEPENDENT BID DETERMINATION

**REQUEST FOR DEVELOPMENT PROPOSALS FOR A SHOPPING
COMPLEX ON PART OF THE REMAINING EXTENT OF PORTION
5 OF THE FARM KLEINFONTEIN 463 JP.**

CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.

- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.

- 3 Municipal Supply Regulation 38 (1) prescribes that a supply chain management policy must provide measures for the combating of abuse of the supply chain management system, and must enable the accounting officer, among others, to:
 - a. take all reasonable steps to prevent such abuse;
 - b. reject the bid of any bidder if that bidder or any of its directors has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system; and
 - c. cancel a contract awarded to a person if the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract.

- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.

- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

(Bid Number and Description)

In response to the invitation for the bid made by:

(Name of Municipality / Municipal Entity)

Do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: _____ that:
(Name of Bidder)

1. I have read and I understand the contents of this Certificate;
2. I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect.
3. I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder.
4. Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of, and to sign, the bid, on behalf of the bidder.
5. For the purposes of this Certificate and the accompanying bid, I understand that the word "competitor" shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
 - (a) Has been requested to submit a bid in response to this bid invitation;

- (b) Could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
 - (c) Provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
6. The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However communication between partners in a joint venture or consortium³ will not be construed as collusive bidding.
7. In particular, without limiting the generality of paragraphs 6 above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
- (a) Prices;
 - (b) Geographical area where product or service will be rendered (market allocation)
 - (c) Methods, factors or formulas used to calculate prices;
 - (d) The intention or decision to submit or not to submit, a bid;
 - (e) The submission of a bid which does not meet the specifications and conditions of the bid; or
 - (f) Bidding with the intention not to win the bid.
8. In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
9. The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.

MBD 9

10. I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious Will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No. 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal Investigation and or may be restricted from conducting business with the public sector For a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder